IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 767 OF 1998

Subodh S. Runwal . ...Applicant.
V/s
Runwal Plaza Coop. Hsg. Soc. Ltd. & Anr. ....Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.S. V. Kotwal, Adv. For the applicant.

Mr. B .H. Mehta, APP for the State.

CORAM:V.G. PALSHIKAR, J.
17.6.2005.

PC:

In this case notice why the petition should not be admitted was issued. Though served none appeared. Therefore on 17.4.1998 Rule was granted and interim order was continued. Today when the matter was called out for final hearing again none appeared. The allegation i n the petition that the petitioner was a minor at the time when the alleged offence is said to have been committed is not controverted. It is also alleged that the petitioner though belongs to Runwal family is not associated

with the Runwal Investments Pvt. Ltd. In any other capacity but that of a shareholder. In such circumstances as shareholder and minor he cannot be prosecuted under sections 5, 7 and 11 read with section 13 of the Maharashtra Ownership of Flats Act.

2. In view of the fact that all allegations are uncontroverted there is no reason in allowing this petitioner who at the relevant time was a minor now a student probably to face the prosecution. Hence rule made absolute in terms of prayers (b) and (c). Allegations mentioned therein are quashed.

17.6.2005